

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS  
PENSION FUND, WELFARE FUND,  
ANNUITY FUND, AND APPRENTICESHIP,  
JOURNEYMAN RETRAINING,  
EDUCATIONAL AND INDUSTRIAL FUND,  
et al.,

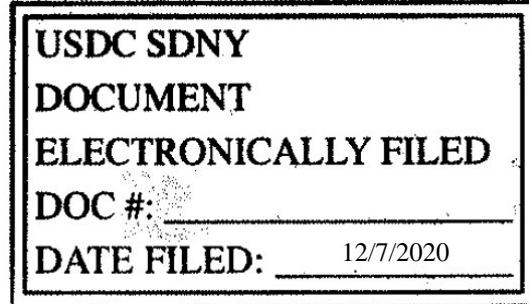
Petitioners,

- against -

BILT NYG, INC.,

## Respondent.

- X



20-cv-3846 (VSB) (SN)

## ORDER

VERNON S. BRODERICK, United States District Judge:

On May 18, 2020, Petitioners—Trustees of the New York City District Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, and Apprenticeship, Journeyman Restraining, Educational and Industry Fund, Trustees of the New York City Carpenters Relief and Charity Fund, the Carpenter Contractor Alliance of Metropolitan New York, (collectively, the “Funds”), and the New York City District Council of Carpenters (the “Union,” and together with the Funds, the “Petitioners”)—filed a petition for confirmation of an arbitration award with exhibits (“Petition”) issued against Respondent Bilt NYG, Inc. (“Bilt”) pursuant to Section 301 of the Labor Management Relations Act of 1947, 29 U.S.C. § 185, and for attorney’s fees and costs incurred during the confirmation proceeding. (Doc. 1.) On that same day, Petitioners filed a memorandum of law in support of their Petition. (Doc. 5.) The Petition was served on July 20, 2020. (Doc. 8.) Bilt has not opposed the Petition, requested additional time to oppose the Petition, or appeared in this action at all.

On June 22, 2020, I referred this case to Magistrate Judge Sarah Netburn for a report and recommendation on the Petition. (Doc. 7.) On August 28, 2020, Petitioners requested that Magistrate Judge Netburn review the Petition as an unopposed motion for summary judgment. (Doc. 10); *see also D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109–10 (2d Cir. 2006). On August 31, 2020, Magistrate Judge Netburn granted that request. (Doc. 11.)

On November 19, 2020, Magistrate Judge Netburn issued her Report and Recommendation, recommending that the Petition to confirm the arbitration award be granted. (Doc. 12.) Magistrate Judge Netburn specifically recommended confirming the Petition to award Petitioners \$39,068.74, with interest accrued at 6.75% per year from March 6, 2020—the date of the award—until the date of the judgment; \$525 in attorney’s fees; \$70 in costs and service fees; and post-judgment interest in accordance with 28 U.S.C. § 1961(a). (*Id.*) Neither Petitioners nor Bilt have filed an objection to the Report and Recommendation or requested additional time to respond.

In reviewing a magistrate judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm’r of Soc. Sec.*, No. 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at \*1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, No. 17-CV-3567

(VSB) (JLC), 2018 WL 5255170, at \*1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from the service of this Report and Recommendation to file written objections,” (Doc. 12 at 8), neither party filed an objection or sought additional time to file an objection. I therefore reviewed Magistrate Judge Netburn’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none.

Accordingly, I ADOPT the Report and Recommendation in its entirety. The Petition is granted and the arbitration award is confirmed. Petitioners are awarded \$39,068.74, with interest accrued at 6.75% per year from March 6, 2020—the date of the award—until the date of the judgment. Petitioners are also awarded \$525 in attorney’s fees, \$70 in costs and service fees, and post-judgment interest in accordance with 28 U.S.C. § 1961(a).

The Clerk’s Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: December 7, 2020  
New York, New York

  
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Vernon S. Broderick  
United States District Judge